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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STRAUB & POKOTYLO 788 Shrewsbury Avenue TINTON FALLS, NJ 07724			EXAMINER BAROT, BHARAT	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 05/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/702,184

Applicant(s)

MINEI ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17, 19 and 24-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17, 19 and 24-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. Claims 1-14, 16-17, 19, 24-43, and new claims 44-48 remain for further examination.

The old rejection maintained

2. Applicant's arguments with respect to claims 1-14, 16-17, 19, and 24-43 filed on January 24, 2008 have been fully considered but they are not deemed to be persuasive for the claims 1-14, 16-17, 19, and 24-43. The rejection is respectfully maintained as set forth in the last Office Action mailed on September 04, 2007.

Claim Objections

3. Claims 45-48 are objected to because of the following informalities:
Claims 45-48 line 1 contain "claim 1" should be --claim 44--. Appropriate corrections are required.

Claim Rejections - 35 USC § 101

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 14, 16-17, 19, and 24 are rejected under 35 U.S.C. 101 because the claimed inventions of the claims 14, 16-17, 19, and 24 are directed to non-statutory subject matter. Claim 14 recited "A machine-readable storage device storing...: a first field..., a second field..., and a third field..." which is non-statutory for at least the reason that is in manner so as to be executable in/by a computer/processor. Further, a collection of fields, per se, is not an actual data structure, instead being non-functional

descriptive material. Thus the rejection under 101 as being an abstract idea and not being in a manner so as to be executable in/by a computer/processor.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 103(a)

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-14, 16-17, 19, and 24-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinsley et al (U.S. Patent No. 6,965,592) in view of Renwick et al (U.S. Patent No. 7,151,775).

8. As to claim 1, Tinsley et al teach a method comprising: receiving a message for establishing a label-switched path (figures 8-9); determining whether or not the message includes extended information (figures 4s; and column 5 line 57 to column 6 line 28); if the message does not include extended information, determining, using a first part of the message (IP header) and routing information; and if the message does include extended information, determining, using a second part of the message (MPLS header) and routing information (figures 6A-6B and 8-9; column 6 line 56 to column 7 line 57; and column 10 line 16 to column 11 line 29).

However, Tinsley et al do not explicitly teach that whether or not to generate a further message to signal the label-switched path.

Renwick et al teach a method (see abstract; and column 1 lines 27-35), comprising: whether or nor to generate a further message to signal the label-switched path based on determining whether or not the message includes extended information/MPLS header (see abstract; column 1 lines 50-62; column 2 lines 5-26 and 41-65; column 3 lines 34-50; column 5 lines 6-27; and column 6 line 65 to column 7 line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Renwick et al stated above in the method of Tinsley et al for generating a further message to signal the label-switched path based on determining whether or not the message includes extended information because it would have provided much faster and more efficient than IP forwarding, used efficiently in an environment with multiple parallel links, and saved considerable processing time, which leads to improved network operation.

9. As to claims 2-5, Renwick et al teach that the message is a label-mapping message, the message includes a FEC-label association and a label distribution protocol label-mapping, and the routing information was determined using an interior gateway protocol (column 2 lines 5-65; column 5 lines 6-27; and column 6 lines 16-31).
10. As to claim 6, Tinsley et al teach that the extended information includes resolution next hop information and the resolution next hop information includes a host address or prefix (figures 4-6; and column 5 line 57 to column 7 line 57).

11. As to claims 7-10, Renwick et al teach that the method is performed by a first node in a network domain, and the host address or prefix is of a second node in the network domain; and the second node is an autonomous system border router, the first node runs an interior gateway protocol for generating routing information in the first node, and the routing information includes an entry for the second node (figures 1-2; column 2 lines 5-65; and column 4 line 59 to column 6 line 32).

12. As to claims 11-13, Renwick et al teach that the first part of the message includes an address or prefix of a node, the node is an ingress node of the label-switched path; and the method is performed by a second node in a first network domain, and the ingress node is in a second network domain (figures 1-2; column 1 lines 50-62; column 2 lines 5-65; column 3 lines 34-50; and column 4 line 59 to column 6 line 32).

13. As to claim 38, Tinsley et al teach that the second part of the message includes at least one of a host address and a host prefix corresponding to a node within a local network domain (figures 4-6; and column 5 line 57 to column 7 line 57).

14. As to claims 40-41, Renwick et al teach that generating, if it is determined to generate a further message to signal the label-switched path, a label mapping message; generating, if it is determined to generate a further message to signal the label-switched path, a label mapping message including an outgoing label; and creating

a forwarding state binding between the outgoing label and a label in the message (see abstract; column 1 lines 50-62; column 2 lines 5-26 and 41-65; column 3 lines 34-50; column 5 lines 6-27; and column 6 line 65 to column 7 line 20).

15. As to claims 14, 16-17, 19, and 24, they are also rejected for the same reasons set forth to rejecting claims 1-13 above, since the claims 14, 16-17, 19, and 24 do not teach or define any new or additional limitations than above claims 1-13. Additionally, Tinsley et al disclose that a message comprising: a) a first field including a label; b) a second field including forwarding equivalency class information; and c) a third field including label-switched path signaling resolution information (figures 4-6; and column 5 line 57 to column 7 line 57). Also Renwick et al disclose that the label included in the first field is to be used by a forwarding device, receiving the message, for forwarding data only if the data forwarding device has a routing table entry that matches at least one of the forwarding equivalency class information included in the second field, and the host address or the host prefix included in the third field (figures 1-2; column 1 lines 50-62; column 2 lines 5-65; column 3 lines 34-50; and column 4 line 59 to column 6 line 32).

16. As to claims 25-37, 39, and 42-43, they are also rejected for the same reasons set forth to rejecting claims 1-13, 38, and 40-41 above, since claims 25-37, 39, and 42-43 are merely an apparatus for the method of the operations defined in the method

claims 1-13, 38, and 40-41 and claims 25-37, 39, and 42-43 contain similar limitations rejected in the claims 1-13, 38, and 40-41.

17. As to claims 44-48, they are also rejected for the same reasons set forth to rejecting claims 1-6 above, since the claims 44-48 do not teach or define any new or additional limitations than above claims 1-6. Additionally, Tinsley et al teach a step: determining that an interface of the matching label-switched route found matches an interface on which the message was received (figure 7; column 8 lines 10-33; and column 12 line 43 to column 13 line 5).

Response to Arguments

18. Applicant's arguments with respect to claims 1-14, 16-17, 19, and 24-43 filed on January 24, 2008 have been fully considered but they are not deemed to be persuasive for the claims 1-14, 16-17, 19, and 24-43.

In the remarks, the applicant argues that:

Argument: Claims 1 and 25 are not rendered obvious by the Tinsley and Renwick patents.

Response: Tinsley et al teach a method comprising: receiving a message for establishing a label-switched path (figures 8-9); determining whether or not the message includes extended information (figures 4s; and column 5 line 57 to column 6 line 28); if the message does not include extended information, determining, using a first part of the message (IP header) and routing information; and if the message does include extended information, determining, using a second part of the message (MPLS

header) and routing information (figures 6A-6B and 8-9; column 6 line 56 to column 7 line 57; and column 10 line 16 to column 11 line 29).

Renwick et al teach a method (see abstract; and column 1 lines 27-35), comprising: whether or nor to generate a further message to signal the label-switched path based on determining whether or not the message includes extended information/MPLS header (see abstract; column 1 lines 50-62; column 2 lines 5-26 and 41-65; column 3 lines 34-50; column 5 lines 6-27; and column 6 line 65 to column 7 line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Renwick et al stated above in the method of Tinsley et al for generating a further message to signal the label-switched path based on determining whether or not the message includes extended information because it would have provided much faster and more efficient than IP forwarding, used efficiently in an environment with multiple parallel links, and saved considerable processing time, which leads to improved network operation.

Argument: Examiner has failed to establish a prima facie case of obviousness and not shown that there is some suggestion or motivation to combine the Tinsley and Renwick Patents.

Response: Examiner establishes a prima facie case of obviousness (see rejection of claim 1) and shows that there is some suggestion or motivation to combine the Tinsley and Renwick because Tinsley teaches that determining whether or not the

message includes extended information and using specific routing information based on the determining step (figures 4s, 6s, and 8-9; and column 6 line 56 to column 7 line 20)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Renwick et al in the method of Tinsley et al for generating a further message to signal the label-switched path based on determining whether or not the message includes extended information because it would have provided much faster and more efficient than IP forwarding, used efficiently in an environment with multiple parallel links, and saved considerable processing time, which leads to improved network operation.

Note: In response to arguments toward the 101 rejection of claims 14, the claim 14 still rejected under 35 U.S.C. 101 because the claimed inventions of the claim 14 is directed to non-statutory subject matter. Claim 14 recited "A machine-readable storage device storing...: a first field..., a second field..., and a third field..." which is non-statutory for at least the reason that is in manner so as to be executable in/by a computer/processor.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

May 14, 2008